

JAMES E. KILGOUR, EXECUTOR OF WILLIAM KILGOUR.

JANUARY 30, 1857.—Ordered to be printed.

Mr. TAYLOR, from the Committee of Claims, made the following

REPORT.

The Committee of Claims, to whom was referred the memorial of James E. Kilgour, executor of William Kilgour, deceased, with the accompanying papers, have had the same under consideration, and report :

The claim of the memorialist is for compensation for buildings and moveable property destroyed by the enemy in the war of 1812 on the plantation of the late William Kilgour, situated on the Patuxent river, in the State of Maryland, and which extended back some two miles from the river. The property alleged to have been destroyed consisted of two large barns, tobacco, wheat, a carriage, bacon, *many head of cattle, &c.* The memorial is exceedingly vague in every respect. It does not state the quantities of the various moveables destroyed, in what particular buildings they were contained, nor at what point on the plantation these moveables were at the time of their destruction, or at what particular point on it the buildings destroyed were placed. There is nothing in the memorial which asserts in direct terms that the buildings destroyed were actually occupied by the military forces of the United States by order of an agent of the government, or of their commanding officer, at the time of their destruction, or that the moveables in question were made use of, detained, or in any way employed by the military forces at the time; but there is much in it which gives rise to the contrary belief.

The statements contained in the depositions filed in support of the claim are as vague and indefinite as the memorial. *Ex parte* depositions are at all times a kind of evidence entitled to no great weight, unless they bear upon specific facts of such a character, and are made at such a time that the persons giving them may be convicted of perjury if they are false. The depositions filed in this case, as well as in others of a similar description, are not of a character to give rise to convictions in favor of the claims preferred. In the first place they were taken at such periods after the occurrences to which they purport to refer, that there would naturally be great room for error growing out of the lapse of time, and the treacheries of memory; and in the next place the statements are so general and indefinite, that if they had been made the very day after the occurrences referred, and could

be relied on implicitly, still all the statements contained in them might be true, and yet no shadow of foundation be laid for a claim against the government in conformity to the spirit of the acts of 1816, 1818, and 1825.

The plantation of Mr. Kilgour was large. Captain Woodburn, in his deposition, speaks vaguely of the occupation of the premises—not the buildings, &c. This would be true, if the forces of the United States marched upon any portion of it and halted. George H. Aloy, (No. 4,) who resided on the farm, speaks of the destruction, but does not say a word of any military occupation by the United States. The testimony of John Long, (No. 5,) who was a militiaman, is quite confused; but the conclusion to be derived from it is, that the British were in possession of the premises, and that the Americans advanced thereon; not that there was any occupation of any of the buildings, &c., that would bring them within the principle of the act of 1816, and the acts amendatory of it. George N. Alvey (No. 10) says, that in 1814 Captain Kilgour moved his tobacco and other property *from the barns on the waters of the Patuxent* to a remote part of his land, and put them in other barns of his about two miles from the river.

The statements contained in all the depositions are confused both as to the position of the buildings and property destroyed and of the militia; but it seems clear from the whole tenor, first, that the militia which opposed the landing of the British, if there were any there to make opposition to it, were near the Patuxent river, and that they did not occupy the buildings on the plantation at the time.

2. That the orders said to have been given by the commanding general to attack the British were given after the British were in possession of the buildings, (Nos. 5 and 6.)

3. That the tobacco and other property destroyed were at some considerable distance from the scene of the contest, and from that part of the plantation where the buildings were situated, in which some of the witnesses say that the baggage, &c., of some of the militiamen were at times deposited.

4. That there never was at any time any occupation of any buildings, on the plantation, *by an organized military force*, by authority of an agent or officer of the government, of a kind to impart to them or any of them a military character, and your committee, for the reasons assigned in the case of Rinaldo Johnson and Ann E. Johnson, therefore recommend that the claim of the memorialist be rejected.

*Memorial of James E. Kilgour, executor of William Kilgour, deceased.
To the honorable Senate and House of Representatives of the United States:*

The memorial of James E. Kilgour, executor, &c., of William Kilgour, deceased, late of the county of St. Mary's and State of Maryland, respectfully represents and sheweth: That the father of your petitioner, William Kilgour, deceased, prior to and during the last war with Great Britain, was a planter in very comfortable and independent circumstances, in the said State of Maryland. That the said

Kilgour resided upon or near the Patuxent river, and his plantation and woodland extended back for the distance of two miles or more from said river.

The said William Kilgour, in the early part of said war, was actively engaged as a partisan, and served for a part of the time as captain of the State militia of Maryland.

That during the year 1814, this section of country became the active seat of war, in consequence of the British appearing in the waters of the Patuxent, with a considerable fleet and force.

That the whole military defence, consisting chiefly of the Maryland State militia, under the command of Brigadier General Philip Stewart, was, during this period of, threatened, and actual invasion rendezvoused in the counties of St. Mary's and Charles; that the premises and buildings of William Kilgour, as will be seen from the papers accompanying this memorial, were frequently and commonly used for purposes of depot and quarters by order of commanding officers; that the barns and other buildings of said William Kilgour (where his tobacco and other valuable property was situated) were commonly used by the said troops of the said command of General Stewart to deposit their arms, ammunition, baggage, &c.

Your memorialist further represents and shows that the British forces did land, march through the premises of said Kilgour, burn and destroy a great deal of valuable property, and taking with them much more.

Your memorialist further shows that the very day the British landed and destroyed this valuable property, including two large barns, tobacco, one carriage, wheat, bacon, and many head of cattle, &c., that the advance guard of Captain Hungerford's company, of Charles county, was ordered to the premises of said William Kilgour, which they did, and occupied with two field pieces; that shortly thereafter the enemy landed, the American troops retreated, and the enemy proceeded to burn, pillage, and destroy.

Your memorialist also shows that a short time before the enemy landed to destroy and pillage as aforesaid, an American officer in command of the baggage wagon, &c., was upon said premises. No one can entertain a doubt that the property was destroyed by the British, in consequence of the occupation and use of said buildings and premises by the American forces, duly ordered there.

Your memorialist asks that a proper bill be passed for his relief as the legal representative of said William Kilgour, deceased, directing the Secretary of the Treasury to ascertain the extent and value of the buildings and property destroyed and carried away by British troops during the late war, and to pay the amount thereof.

Your memorialist further represents that this form of prayer and application is made to conform to the precedent in a case precisely similar, passed at the last Congress, (chap. 180.) That the said William Kilgour and James F. Sothoron lived on adjoining plantations, and the property was destroyed under the same circumstances identically.

And your memorialist will ever pray, &c.

JAMES KILGOUR,

Executor, &c.

No. 1.

Deposition of Captain William Woodburn.

STATE OF MARYLAND, *St. Mary's county, to wit:*

Be it remembered that on this twenty-fourth day of January, eighteen hundred and fifty, before me, the subscriber, a justice of the peace of the State and county aforesaid, personally appears William Woodburn, and makes oath on the Holy Evangel of Almighty God, that he held a captain's commission during the late war with England, and commanded the third company of the first battalion of the forty-fifth regiment of Maryland militia; that in the month of July, eighteen hundred and fourrteen, then under the orders of Major John Chappleear, who commanded said battalion, he did occupy the premises of William Kilgour, of St. Mary's county, Maryland, before, and on the very day that the British forces landed and marched up to said premises, drove him off, took possession of said premises, and burnt and destroyed barns, wheat and tobacco, and carried off other property, to wit: cattle, sheep, bacon, sine, and various other articles not recollected; That he was near being captured and driven off by a superior force; he retreated from thence near the main body of the American forces, which occupied a position not far distant, and soon after reaching there I saw the flames which issued from the barns then on fire.

In testimony whereof, the said William Woodburn hath hereunto subscribed his name.

WILLIAM WOODBURN.

Sworn to and subscribed before me, on the day and year herein before written.

H. FOWLER,

Justice of the Peace for St. Mary's county, Md.

MARYLAND, *St. Mary's county, to wit:*

I hereby certify that H. Fowler, gentleman, before whom the foregoing affidavit appears to have been made, and who hath thereto subscribed his name, was, at the time of so doing, and still is, a justice of the peace of the State of Maryland, in and for St. Mary's county aforesaid, duly commissioned and sworn; and that to all acts by him done in that capacity full faith and credit are due and ought to be given, as well in courts of justice as thereout.

In testimony whereof, I have set my hand and affixed my seal this [L. s.] twenty-ninth day of January, 1850.

WILLIAM T. MADDUX,

Clerk St. Mary's county court.

No. 2.

Deposition of George Holly.

STATE OF MARYLAND, }
St. Mary's county, } *to wit:*

Be it remembered that on this sixth day of August, 1849, before me, the subscriber, a justice of the peace of the State and county aforesaid, personally appears George Holly, who makes oath on the Holy Evangely of Almighty God that he was a joint tenant of a part of a tract of land belonging to William Kilgour, when his, the said Kilgour's, property was burned and destroyed by the British, in the year 1814, and that he saw General Stewart and suite (American officers) occupy the said premises belonging to the said Kilgour a few days previous to the landing of the British, at which time and place they burned and destroyed the said Kilgour's property. And he, the said deponent, further says, that he conducted General Stewart from the premises aforesaid across to Captain James F. Sothoron's, where he could get a view of the British fleet, then occupying the Patuxent river.

Sworn to before

H. MATTINGLY, of Jno.,
Justice of the Peace for St. Mary's county.

ST. MARY'S COUNTY, *to wit:*

I hereby certify that Henry Mattingly, of John, gentleman, before whom the within deposition appears to have been taken and made, was, at the time thereof, and still is, one of the justices of the peace of the State of Maryland in and for St. Mary's county aforesaid, duly commissioned and qualified, and that to all whose acts as such due faith and credit are due and ought to be given, as well in courts of justice as thereout.

In testimony whereof I have hereunto set my hand and affixed the [L. s.] seal of my office, this fourth day of December, 1849.

W. T. MADDOX,
Clerk St. Mary's county court.

No. 3.

Deposition of Colonel B. J. Heard.

STATE OF MARYLAND, }
St. Mary's county, } *set:*

Be it known that on this fifth day of December, in the year of our Lord one thousand eight hundred and forty-nine, before me, the sub-

scriber, one of the justices of the peace of the State of Maryland in and for said county, personally appears Colonel Benedict J. Heard, who, after being duly sworn according to law, deposes and says: That he was adjutant of the Maryland militia, in the 45th regiment, in the year 1814, up to about the first of August; and that, while he was adjutant in said regiment, General Philip Stewart was brigadier general and commander-in-chief of that portion of the American forces on duty in Charles and St. Mary's counties, in the State of Maryland, and that John Chapplelear was a major in the 45th regiment on or about that year.

Sworn before

JO. SPALDING.

STATE OF MARYLAND, }
St. Mary's county, } *to wit:*

I hereby certify that Joseph Spalding, gentleman, before whom the foregoing deposition appears to have been made, and who hath thereto subscribed his name, was at the time of so doing, and still is, a justice of the peace of the State of Maryland in and for St. Mary's county aforesaid, duly commissioned and sworn; and that to all acts by him, done in that capacity, full faith and credit are due and ought to be given, as well in courts of justice as thereout.

In testimony whereof, I hereunto set my hand and affix the seal
 [L. S.] of my office, this sixth day of December, eighteen hundred
 and forty-nine.

WM. T. MADDOX, J. P.

No. 4.

Deposition of George N. Alvey.

I, the undersigned, do hereby certify, that in the year eighteen hundred and fourteen I resided on a farm belonging to Captain William Kilgour, and on the said farm there was a good dwelling house, two large barns, meat house, dairy, and many other convenient out-houses, and in the barns there was deposited between thirty and forty hogsheads of tobacco prized, and some several bulks of unprized tobacco; also, a large crop of wheat in the straw, and a crop of rye in the same, together with all the farming implements; and that some time in July, in the year aforesaid, the British army marched to the said farm, about nine o'clock in the morning, and first entered the dwelling-house, and commenced searching in every place, unlocking every drawer and closet, and rifling them of their contents, even female clothing not excepted; from thence to the meat house, and took a large quantity of bacon, lard, &c., and carried it away; then to the dairy, where their conduct exceeded anything in the annals of

history—drinking milk and committing the greatest waste of every kind ; again they entered the dwelling, where they found a large box of soap and a new man's saddle, which they took and carried off without any hesitation ; and then they proceeded to the barns, where they found a new seine and rope and a single-wheel carriage, which they took and carried away also ; they continued their unwarrantable conduct in this manner—searching, plundering, tearing off the weatherboarding of the corn-house, catching poultry of every description, which they carried off—until about two o'clock in the evening, bidding all farewell ; taking care to set both barns on fire, and staying around them to see that they and their contents were entirely consumed.

In testimony whereof, I do hereby set my hand, this twenty-sixth day of January, in the year of our Lord eighteen hundred and fifty.

GEO. N. ALVEY.

Sworn and subscribed before me on the day and year above written.

H. MATTINGLY, of Jno.,

Justice of the Peace in and for St. Mary's county, Md.

STATE OF MARYLAND, } to wit:
St. Mary's county,

I hereby certify that H. Mattingly, of Jno., gentleman, before whom the foregoing affidavit appears to have been made, and who hath thereto subscribed his name, was at the time of so doing, and still is, a justice of the peace of the State of Maryland in and for St. Mary's county aforesaid, duly commissioned and sworn ; and that to all acts by him done in that capacity full faith and credit are due and ought to be given, as well in courts of justice as thereout.

In testimony whereof, I have set my hand and affixed the seal of my [L. S.] office, this twenty-ninth day of January, eighteen hundred and fifty.

WM. T. MADDOX,

Clerk St. Mary's county court.

No. 5.

Deposition of John Long.

STATE OF MARYLAND, *Charles county, to wit :*

I hereby certify that during the late war between the United States and Great Britain, in the year 1814, I was a private soldier in Captain John Briscoe's company of Maryland militia, under the command of General Philip Stewart. We did use and occupy the premises and buildings of William Kilgour when his property was burnt and destroyed, and by order of General Philip Stewart, both before and after

the burning and destroying in July; and on the very day said William Kilgour's property was burnt and destroyed, General Philip Stewart did order the officers and soldiers under his command to march down on said Kilgour's premises and attack the enemy. We did march down, as ordered, with our General Philip Stewart, to the aforesaid Kilgour's premises, and in the very act of charging on them, when the general was met by a man and informed the British force was superior in number; and it was then that General Stewart ordered us to fall back. I further state, that the British destroyed everything that William Kilgour had, that a destroying and plundering army could, except the land on which William Kilgour lived, and left William Kilgour without the common necessities of life, that is to say, for food and raiment. In a word, I cannot express anything worse than the depredations committed by the British. I further saith the balls they fired at the houses I found in the fields of said Kilgour. I will further state, that William Kilgour had burnt and destroyed about forty thousand pounds of tobacco and barns, &c., destroyed and carried off all manner of stock and poultry, and in August carried off all kinds of fruit and corn crop, and garden vegetables; left him some fodder, but no corn.

In testimony, I have hereunto signed my name, this 22d day of February, 1850.

JOHN LONG.

STATE OF MARYLAND, *Charles county, to wit:*

On this 22d day of February, 1850, before me, the subscriber, a justice of the peace in and for the State and county aforesaid, personally appeared John Long, and made oath upon the Holy Evangely of Almighty God that the foregoing statement is bona fide true, as therein set forth, to the best of his knowledge and belief.

Sworn before

ELIJAH W. DAY, *J. P.*

STATE OF MARYLAND, *Charles county, to wit:*

I hereby certify that Elijah W. Day, esquire, before whom the foregoing affidavit appears to have been made, and who has thereto subscribed his name, was at the time of so doing, and still is, a justice of the peace of the State of Maryland, in and for Charles county aforesaid, duly commissioned and qualified.

In testimony whereof, I have hereunto subscribed my name and
[L. s.] affixed the seal of Charles county court, this twenty-second day of February, in the year of our Lord eighteen hundred and fifty.

RICHARD H. MITCHELL,
Clerk Charles county court.

No. 6.

Affidavit of John Alvey, in case of William Kilgour's claim.

STATE OF MARYLAND, }
St. Mary's county. } *to wit:*

Be it remembered that on this seventeenth day of January, 1837, before me, the subscriber, a justice of the peace of the State and county aforesaid, personally appears John Alvey, and made oath on the Holy Evangely of Almighty God that he was, during the late war, in eighteen hundred and fourteen, between the United States and Great Britain, a soldier in Captain John Briscoe's company, of the forty-fifth regiment of the Maryland militia; that he, together with other soldiers of the American forces, were in the habit of rendezvousing in the houses on the premises of Captain William Kilgour, where his barns, tobacco, and other property was burnt and destroyed by the British forces; that he, together with others, were in a habit of depositing their guns, arms, and ammunition in the houses of the aforesaid premises; that he did aid in depositing straw and other forage in the barns aforesaid for the use of some of the American forces, which contained Captain William Kilgour's tobacco and other property; that the British did march up to the said houses, set fire to the said forage, burning the same, together with the barns, tobacco, &c.; he further deposeth and sayeth, that he verily believeth that had not the baggage and other property which belonged to some of the American forces been deposited and left in the houses, his, Kilgour's, barns would not have been burnt by the British forces; deponent further stateth, that he was in the habit of leaving some of his clothing and other baggage in the houses on the premises when ordered off, and on the very day that the aforesaid property was burnt and destroyed some of his clothing and other baggage was left in the houses on the aforesaid premises, whilst he was on the heights on duty close by when the destruction took place; the deponent further sayeth, that he was taken sick a short time thereafter, and returned to the dwelling on the aforesaid premises; lying one day in the said dwelling, suddenly an English soldier came to the house, and asked the deponent a great many questions—where they (the American forces) were all at the day we burnt this property, that you did not meet us here, &c.; he, the deponent, told him we were getting here as fast as we could, but you happened to get ahead of us on your way back to your boats. I, the deponent, told the English soldier so, although General Stewart had ordered us to retreat.

Sworn before

GEORGE SLYE. [SEAL.]

MARYLAND, }
St. Mary's county. } *to wit:*

I hereby certify that George Slye, gentleman, who appears to have taken and signed the above deposition, was at the time of the taking and signing thereof, and still is, one of the justices of the peace of the

State of Maryland in and for Saint Mary's county aforesaid, duly commissioned and qualified, and that to all acts by him done in that capacity full faith and credit are and ought to be given, as well in courts of justice as thereout.

In testimony whereof, I have hereunto set my hand and affixed the [L. s.] seal of my office, this third day of February, in the year of our Lord eighteen hundred and thirty-seven.

JO. HARRIS,
Clerk St. Mary's county court.

No. 7.

Deposition of John B. Harris.

STATE OF MARYLAND, }
St. Mary's county, } *to wit:*

Be it remembered that on this twenty-eighth day of January, eighteen hundred and fifty, before me, the subscriber, one of the justices of the peace in and for the State and county aforesaid, personally appeared John Harris, he being duly sworn on the Holy Evangelists of Almighty God, deposeth and says: That he was a private soldier in the company of Captain James F. Sothoron, in the Maryland militia commanded by General Philip Stewart, in the year eighteen hundred and fourteen; that he had frequently occupied the premises belonging to Captain William Kilgour, and while there they had no tents at all, but had to occupy the houses instead of tents; the deponent further states that he was frequently on the premises after the British burned and destroyed his barns and tobacco, wheat and other property, carried off his stock, to wit: cattle and sheep, and poultry of every description, one new seine and rope, household and kitchen furniture to a considerable amount, together with four young negro men; deponent further states that he was on the farm, after the British went away, frequently during that fall, and saw a vast destruction of property, both real and personal. In a word, he, the said William Kilgour, was literally swept out by the enemy.

In testimony whereof, I, the said John Harris, hath hereunto subscribed my name, the day and date hereinbefore written.

JOHN B. HARRIS.

Subscribed and sworn to before me the day and year hereinbefore written.

GEO. N. ALVEY,
Justice of the Peace in and for St. Mary's Co., Md.

No. 8.

Deposition of Leonard Woodburn.

STATE OF MARYLAND, }
 St. Mary's county, } to wit:

Be it remembered that on this twenty-sixth day of January, eighteen hundred and fifty, personally appeared before me, the subscriber, one of the justices of the peace in and for the State and county aforesaid, Leonard Woodburn, who being duly sworn on the Holy Evangelical of Almighty God, depose and says: That he was a private soldier in Captain John Briscoe's company of Maryland militia, under General Philip Stewart; that they occupied a position not far distant from where the British landed in the year eighteen hundred and fourteen, some time in July, marched up to the farm belonging to Captain William Kilgour, where they set fire to two barns containing about forty thousand pounds of tobacco, wheat, and many other articles, not recollected, carrying away with them bacon, stock, to wit: cattle, sheep, and poultry of every description, one new seine and rope, and household and kitchen furniture to a considerable amount, wearing apparel, &c.; the deponent further states that he had, previous to and after the destruction of the aforesaid property, frequently occupied the premises of the aforesaid Kilgour, and that it was a place of general rendezvous for a portion of the militia soldiers, and that they had no tents.

In testimony whereof, the aforesaid Leonard Woodburn hath hereunto subscribed his name.

LEONARD WOODBURN.

Sworn to and subscribed before me on the day and year hereinbefore written.

GEO. N. ALVEY,
Justice of the Peace in and for St. Mary's Co., Md.

No. 9.

Certificate of James Burroughs.

I, the undersigned, do hereby certify that in the year 1814, during the war between the United States and Great Britain, I was a private soldier in Captain Philip Melton's company of the 45th regiment of Maryland militia, under the command of General Philip Stewart, who commanded the brigade; that during the time I was in service, I was on the premises where William Kilgour's property was removed to, both before and after the British destroyed the same; that when we were there we occupied the houses on said premises belonging to the said William Kilgour, as we had no tents to protect us from the weather. I further certify that I was on the said premises the very day that the British burnt his two barns containing a large quantity of tobacco, say about forty thousand pounds, and wheat and other property which the barns contained, and plundered and nearly de-

stroyed dwelling and other out-houses; carrying away every article of food that they could get, driving before them all the stock they could find, committing all manner of destruction to everything—such as fruit trees, garden vegetables, all kinds of poultry, or anything which a plundering army could come in contact with; carried off said Kilgour's negroes; took him prisoner on the route; went down to their barges, and soon commenced firing their twelve-pound shot at the houses on the river. I further certify that after they were gone, that I was on said Kilgour's premises, and saw some of the family, who are now dead, and heard them say that the British *said* that they came for the *express purpose of destroying* everything that Captain W. Kilgour had in the world; that he kept up a camp on his land, and had done everything in his power to prolong the war, and had loaned the government a great deal of money to carry on the war; the admiral had been informed two weeks ago of his rendezvous and depot, and they came for the express purpose of destroying everything that William Kilgour had in the world, and they done so.

In testimony whereof, I do hereunto set my hand and seal this [L. S.] twenty-eighth day of January, in the year of our Lord eighteen hundred and fifty.

JAMES BURROUGHS.

Subscribed and sworn to before the subscriber this 28th day of January, 1850.

GEORGE N. ALVEY,

Justice of the Peace in and for St. Mary's Co., Md.

STATE OF MARYLAND, }
St. Mary's county, } *to wit:*

I hereby certify that George N. Alvey, before whom the foregoing affidavits appear to have been made, and who hath thereto subscribed his name, was, at the time of so doing, and still is, a justice of the peace of the State of Maryland in and for St. Mary's county aforesaid, duly commissioned and sworn, and that to all acts by him done full faith and credit are due and ought to be given, as well in courts of justice as thereout.

In testimony whereof, I have hereunto set my hand and affixed the [L. S.] seal of St. Mary's county court, this twenty-ninth day of January, eighteen hundred and fifty.

W. T. MADDUX,

Clerk of St. Mary's county court.

No. 10.

Certificates of George N. Alvey and Charles Gill, in case of Kilgour.

STATE OF MARYLAND, }
St. Mary's county, } *to wit:*

Be it remembered that on this 26th day of July, 1837, before me, the subscriber, a justice of the peace of the State and county aforesaid,

personally appears George N. Alvey, who being sworn on the Holy Evangely of Almighty God, deposeth and saith: That in the year 1814 Captain William Kilgour moved his tobacco and other property from his barns on the waters of the Patuxent to a remote part of his land, a distance of two miles from the Patuxent river, and deposited the same in barns belonging to said Kilgour—when the English did land, march up and burn the same; the deponent further saith, that it was impossible for the said Kilgour to remove the said property from the time the British landed until the time they destroyed the same, which did not exceed eight hours; the deponent further saith, that he was on the said premises a short time before the said Kilgour's property was destroyed, and saw an American officer, who said he had the command of the baggage wagon, and had ordered it there that night, to the said Kilgour's premises.

Sworn to before

H. FOWLER.

At the same time, personally appears Charles Gill, of Charles county, who deposeth and saith: That he was in the militia service in the year 1814, under the command of General Stewart, who ordered him, the said Gill, with others, to the number of two or three hundred, to the premises of Captain William Kilgour, on the same day his barns were destroyed by the British forces.

Sworn to before

H. FOWLER.

ST. MARY'S COUNTY, *to wit*:

I hereby certify that Henry Fowler, gentleman, before whom the aforegoing depositions were taken and signed, was at the time, and still is, one of the justices of the peace of the State of Maryland for St. Mary's county aforesaid, duly commissioned and qualified, and that to all whose acts, as such, due faith and credit are and ought to be given, as well in courts of justice as thereout.

In testimony whereof, I have hereunto set my hand, and affixed the seal of my office, this twenty-seventh day of July, eighteen
[L. S.] hundred and thirty-seven.

JO. HARRIS,
Clerk St. Mary's county court.

STATE OF MARYLAND, }
St. Mary's county, } *to wit*:

Be it remembered, that on this 28th day of July, 1837, before me, the subscriber, a justice of the peace of the State and for the county aforesaid, personally appears Charles Gill, who being sworn on the Holy Evangely of Almighty God, that he was the second man in the advance guard of Captain John Hungerford's company of Charles county, commanded by General Stewart, during the late war between the United States and Great Britain, (to wit, in the year 1814;) that the advance guard was ordered to Captain William Kilgour's premises, with two field pieces, when they did advance and occupy the

same for a short time, with orders if they should meet the enemy, to fire on them ; that after occupying the same as ordered by the principal officer in command, they retreated ; and on the same day the enemy burnt and destroyed the barns and tobacco belonging to the aforesaid William Kilgour.

Sworn before

H. FOWLER.

Deposition of Jane Wood.

STATE OF MARYLAND, *St. Mary's county, to wit :*

Be it remembered, that on this fifth day of February, in the year of our Lord eighteen hundred and fifty, before me, the subscriber, one of the justices of the peace in and for the State and county aforesaid, personally appeared Mrs. Jane Wood, who, being duly sworn on the Holy Evangely of Almighty God, deposeth and saith: That some time in July, in the year eighteen hundred and fourteen, she was on the premises belonging to Captain William Kilgour on the very day that the British army landed and marched up to the said premises, it being about nine o'clock in the morning when they reached the said premises. On their approach the American forces retreated, leaving behind some several ladies to protect or shift for themselves. The enemy came to the house, where the ladies met them in the yard with a flag. The British officers told them to retreat; that they should not be hurt. That they had come on shore for the express purpose of destroying or carrying away the tobacco, stores, and all other property belonging to Captain William Kilgour that was at this rendezvous. The deponent states that they went to work and searched every trunk, drawer, and closet belonging to the dwelling-house, plundering and taking away every article which they might fancy, repeatedly declaring that they intended to destroy every article of property that belonged to Kilgour on the premises; they entered the meat house and dairy and took from thence a large quantity of bacon, lard, &c. The deponent further states that they took from the dwelling house a new man's saddle, and a number of articles not recollected, even female clothing not excepted. They continued their searching and plundering, catching poultry, and tearing the weather-boarding off the corn house, until about two o'clock in the evening, when they proceeded to the barns, where there was from thirty to forty hogsheads of tobacco, a large crop of wheat and rye in the straw, a seine and rope, a single wheel carriage, and many other implements belonging to the farm, which they set on fire and consumed the whole, with the exception of the seine and rope and carriage, which they took and carried away with them. The deponent further states that after all this destruction of property as aforesaid, they marched down to their barges, carrying with them various kinds of stock, poultry, &c., and embarked for their shipping, firing several round shot at Kilgour's house, which fortunately did not take effect, the balls passing over the top of the house.

The deponent further states that, in a word, they literally ruined Captain William Kilgour as regards property, leaving him and family in a state of indigence and poverty, even being beholding to his neighbors for the common necessities of life.

In testimony whereof, the said deponent hath hereunto subscribed her name the day and year hereinbefore written.

JANE WOOD.

Sworn and subscribed to before me, the subscriber, on the day and year hereinbefore written.

GEORGE N. ALVEY,

Justice of the Peace in and for St. Mary's Co., Md.

Deposition of James E. Kilgour.

STATE OF MARYLAND, }
St. Mary's county, } to wit:

On this fifth day of March, in the year of our Lord 1850, personally appeared before me, the subscriber, one of the justices of the peace of the State of Maryland, in and for St. Mary's county aforesaid, James E. Kilgour, executor of William Kilgour, deceased, and made oath in due form of law that the facts and statements contained in his memorial to the Congress of the United States for compensation for property destroyed by the British, in 1814, belonging to his father, William Kilgour, deceased, are, as he verily believes, true; that many years ago, to wit: 1836-1837, he presented a memorial to Congress for compensation, as aforesaid, and entrusted the attention of his said claim to Daniel Jenifer; then, in July, 1837, placed it in the hands of the Hon. Fras. S. Key, who informed me, when I called on him, in 1840, that I had established the claim on the same basis that other claims had been allowed by government—all he was waiting for was an action of the government—and he expected that the government would appoint a board of commissioners to investigate the private claims. In that situation I rested satisfied, supposing the case still pending before the government; when it was reached I have no recollection of receiving any information on the subject from Mr. Key from the time aforesaid during his life, as I was not in Washington city from March, 1841, till January, 1850. Affiant further states, that he was not informed of any report being made on the subject by any committee. In 1846 he wrote to the executors of Fras. S. Key to ascertain what had become of the papers and proof in that case, not knowing who the executor was at the time. I soon after received a letter from Phil. B. Key, stating he was the executor of his father, and if it met with my approbation he would search up the papers and proofs, and attend to the case for me. I authorized him to do so. Some time about 1848, I received a letter, signed Addison & Tucker, stating that the papers and proofs aforesaid had been placed into their hand by Phil. B. Key, and, if it met with my approbation, they

would prosecute the said claim against the government for one half. I refused to reply; but ordered the representative in Congress from this district to take charge of the papers, as they had fallen into the hands of strangers, and prosecute the claim. He wrote me many letters on the subject, and I expected every session of Congress that he would have prosecuted the claim with success.

The affiant further states, that he sent word to the said representative, by his son, to inform him what had become of his papers and proofs in the year 1849? His answer was, "They were in the Clerk's office in Washington." In that state of the case he went up to Washington early in January, 1850, to look after the business, and after searching both Clerk's and Secretary's offices, he was astonished to find no papers on file, or had been since the year 1846; and that after twelve or fourteen days of perplexed and anxious search, he was enabled, in an attorney's office in the city, to find three depositions only, taken in or about 1837, which are filed with the present application; many more he has not been able to find, but are lost; many of the deponents have died since their depositions had been taken, some others are living, and of these he has endeavored to have them restated, together with, perhaps, five or six additional depositions. Affiant makes this sworn statement because he is advised that it is desired to be known why this claim has been so long delayed from being made after proof taken, and to account for the different dates of the depositions.

Affiant will here state that he omitted to mention in his memorial that the four negroes mentioned in the depositions as having been carried away by the British at the same time that the tobacco, barns, and other property was destroyed or removed, were proven and paid two hundred and eighty dollars for each by the commissioners, which awarded payment for the negroes carried away by the British, as provided for under the first article of the treaty of Ghent, and subsequent conventions.

In testimony whereof, the said affiant has signed his name, the day and year hereinbefore written.

JAS. E. KILGOUR.

Subscribed and sworn to before me, the subscriber, this fifth day of March, 1850.

GEO. N. ALVEY,
Justice of the Peace in and for St. Mary's Co., Md.

STATE OF MARYLAND, *sct.*

To all to whom these presents shall come, send, greeting:

Know ye, that on the ninth day of December, anno Domini eighteen hundred and thirty-eight, before George Combs, register of wills for St. Mary's county, the last will and testament of William Kilgour, late of St. Mary's county, deceased, was in common form of

law proved, approved, and exhibited, and that on the 22d of January, 1839, letters testamentary of all and singular the goods, chattels, rights, and credits which were of the said deceased, or in any manner or way concern his said testament, were granted unto James E. Kilgour, one of the executors in and by the said will named and appointed, he having first entered into bond for the due performance thereof according to law.

In testimony whereof, I have hereunto subscribed my name, and affixed the seal of St. Mary's county orphans' court, in the [L. s.] year of our Lord, this 29th day of January, 1850.

G. COMBS,

Register of Wills for St. Mary's county.

STATE OF MARYLAND, }
St. Mary's county, } *scd.*

I, H. G. S. Key, chief justice of the orphans' court, in and for the county of St. Mary's, and State aforesaid, do hereby certify that G. Combs, whose signature is annexed to the foregoing certificate, is register of wills in and for the county, and State aforesaid, and that his said certificate and attestation is in due form of law. In testimony whereof, I have hereunto set my hand and seal, this 29th day of January, 1850.

H. G. S. KEY, [L. s.]

ST. INIGOE'S P. O., May 7, 1850.

DEAR JAMES: I received your letter by last mail, and am much pleased to learn that you have a prospect of getting your claim allowed by Congress. I know that your father, the late William Kilgour, sustained great losses during the late war with England, in property destroyed and taken off by the enemy while lying in the Patuxent river, contiguous to his farm. His farming operations had, in consequence, to be almost entirely suspended; his children were taken from school, and his family suffered, and have continued to suffer, the severest privations. In short, I looked upon his as a *ruined and broken-up* family.

You ask me for a certificate; perhaps this letter will answer the same purpose. How much I should rejoice if your father's family were to receive compensation for their long and severe sufferings.

With my ardent prayers for your success, I remain your affectionate uncle.

C. M. JONES, M. D.

Mr. JAMES E. KILGOUR,
Charlotte Hall, Maryland.

ST. MARY'S COUNTY, MARYLAND,
January 25, 1857.

DEAR SIR: You ask me if I knew your father, Captain William Kilgour, and if so, to state what I recollect of his circumstances

during that acquaintance. I answer with pleasure, that I knew your father from my earliest recollection to the day of his death, having lived near him the greater part of his life, and in frequent intercourse with him. He was considered one of our best citizens, industrious and thriving, and had collected around him, at one time, property sufficient for the comfortable support of himself and family. But the war of 1812, 1813, and 1814, so disastrous to those residing upon the banks of the Patuxent river, in Maryland, fell, with all its crushing influence, upon him. All of his most valuable negroes were taken from him by the enemy, most of his stock, poultry, the supply of provision for the year, and all of the tobacco on hand, crops which he had been accumulating for years, with the hope that the return of peace would give him a remunerating price, all, all, either taken away, or burned. Thus you see in a single day he was stripped of nearly the labor of his life, and of that upon which he chiefly relied for the education of his children, and the support of himself and wife in the decline of life. Such a misfortune would have crushed most of us ; but he had within him that which no one could take away—energy which never tires, spirit which never flags. He rallied, and although he never expected to repair his losses, for it was more than human effort could accomplish at his then period of life, and the means at hand, yet he saved his family from the want of food and raiment. But the most painful attendant of this misfortune was the necessity he was under of abridging the education of some of his children, which I have often heard you refer to with regret, because of the want of their labor for the general support of the family. If there ever was a claim upon government which demanded prompt settlement, in my poor judgment, his was one ; and, although he died without receiving it, and is now, I hope happy, yet, I trust the government will now make an effort to repair the injury done the family by paying it to you without hesitation.

Wishing you great success, I am, dear sir, your obedient servant,
GEORGE THOMAS.

Captain JAMES E. KILGOUR.